

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

LYVERIA HOPSON-LLOYD, *et al.*,

Plaintiffs,

v.

JIMMY D. JONES, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 9:18-CV-211

ORDER ADOPTING REPORT AND RECOMMENDATION AND OF DISMISSAL

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive pretrial motions. Judge Giblin issued a Report and Recommendation (Doc. No. 115) in which he recommended that the Court grant several of the defendants' motions to dismiss for failure to state a claim. He also recommended that the Court dismiss the remaining claims for lack of subject matter jurisdiction.

The parties have not filed objections to the magistrate judge's report. Having considered the report of the magistrate judge and conducted a *de novo* review pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, the Court agrees with Judge Giblin's findings and conclusions. It is therefore **ORDERED** that the report and recommendation of the magistrate judge (Doc. No. 115) is **ADOPTED**. The defendants' motions to dismiss (Doc. Nos. 51, 52, 53, 55, 57, 62, 64) are **GRANTED**. The Court **ORDERS** that the plaintiffs' claims are **DISMISSED**, with prejudice, for failure to state a claim, with the exception of her state law causes of action for assault, battery, and wrongful death asserted against defendant Cassidy Jones. Those causes of action are

dismissed, without prejudice, for lack of subject matter jurisdiction as recommended by Judge Giblin. All other pending motions are **DENIED** as moot. The Clerk is directed to close this case.

So Ordered and Signed

Sep 27, 2019

A handwritten signature in cursive script, appearing to read "Ron Clark", written in black ink.

Ron Clark, Senior District Judge